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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,514	08/20/2001	A. John Michaelis	27600/M220A	5938

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EXAMINER	
NGUYEN, TRONG NHAN P	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/933,514	MICHAELIS ET AL.	
	Examiner	Art Unit	
	Jack P Nguyen	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2001*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/6/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-43 are being examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw, 6,636,896 (Philyaw hereafter) further in view of Robbins, 6,317,882 (Robbins hereafter).

As per claim 1, Philyaw teaches a method of retrieving a web page (col. 5, line 43) associated with a television broadcast channel (104, fig. 1), the method comprising the steps of: receiving a current audio segment of a television broadcast signal, the current audio segment being intended for use by a human recipient in conjunction with a video portion of the television broadcast signal (col. 5, lines 17-20); correlating the particular audio segment to the television broadcast channel (col. 5, line 20; invention also applies to plurality of different types of broadcasts and receivers that include TV, radio, computer, etc. as disclosed in [col. 29, lines 14-19]); determining the web page based on the television broadcast channel; and retrieving the web page (112, fig. 1, col. 5, lines 40-43; col. 5, lines 67 – col. 6, lines 4; col. 6, lines 32-44; computer (PC) receives and extracts audio signal to determine web page information (e.g., URL) to

access in order to retrieve additional data such as statistics associated with the sports program as disclosed in [col. 6, lines 55-59]). Philyaw does not teach comparing the current audio segment to a plurality of candidate audio segments to determine a particular audio segment which represents the current audio segment, the particular audio segment being one of the plurality of candidate audio segments. However, Robbins teaches comparing the current audio segment (or sound byte – see reference below) to a plurality of candidate audio segments to determine a particular audio segment which represents the current audio segment, the particular audio segment being one of the plurality of candidate audio segments (col. 28, lines 66 – col. 29, lines 7; audio signals (sound bytes) are stored and referenced by their identification "ID" codes as disclosed in [col. 30, lines 42-46]).

Claims 21, 30, and 32 are rejected for similar reasons as claim 1 above.

As per claims 2 and 3, Philyaw teaches receiving a current audio segment of a television broadcast signal comprises the step of receiving the current audio segment at a microphone (col. 5, line 29) and audio jack (col. 5, line 22) operatively coupled to a computing device (112, fig. 1), wherein the computing device performs the step of retrieving the web page (col. 5, lines 40-43).

As per claims 4 and 6, Philyaw does not teach digitizing the current audio segment to generate a captured data file and storing the captured data file in a memory associated with the personal computer. Robbins teaches digitizing the current audio segment to generate a captured data file and storing the captured data file in a memory associated with the personal computer (col. 28, lines 67 – col. 1). Hence, it would have

been obvious to one of ordinary skill in the art to be motivated to combine the teachings of Philyaw and Robbins to digitize and store audio segments for later references and comparisons with other audio segments.

As per claim 5, Philyaw teaches receiving the current audio segment via a wire operatively coupled to television and a personal computer (113, fig. 1, col. 5, lines 23-34).

Claims 7 and 8 are rejected for similar reasons as claim 1 above.

As per claim 9, Philyaw teaches the plurality of candidate audio segments is associated with a plurality of television broadcast channels (col. 4, lines 65 – col. 5, lines 2).

Claims 10 and 36 are rejected for similar reasons as claim 1 addressed above. Philyaw does not explicitly disclose recording a time stamp associated with the current audio segment. However, Robbins teaches the step of recording a time stamp associated with the current audio segment (702, fig. 7B, col. 37, line 66 – col. 38, line 1; each stored audio segment (referenced by ID code) has a time stamp field for further references and comparisons). It would have been obvious to one of ordinary skill in the art to use and compare time stamp to determine the audio segment being broadcast.

Claims 11-13 are rejected for similar reasons as claim 1 above. Philyaw further teaches determining the web page based on a user's demographics (1410, fig. 14; user's demographics is part of user's profile (1302, fig. 13) that the system uses to determine and send to advertiser's sites [col. 12, lines 57-58; Advertiser Reference Server 'ARS' holds all advertisers' information as disclosed in {col. 7, lines 55-58}] and

its data is used to retrieve promoted product information from advertiser's sites as disclosed in [col. 8, lines 2-7]).

As per claims 14-16, they are rejected for similar reasons as claims 1, 11-13 above. Philyaw further teaches the web page which is dynamically generated after the step of correlating the particular audio segment to the television broadcast channel and associated with the television broadcast channel by a sponsor (802, fig. 8).

Claims 17-19 are rejected for similar reasons as claims 14-16 above. Philyaw further teaches the television broadcast channel is transmitted via at least one of a radio wave (col. 5, line 9); determining a geographic location associated with the particular audio segment and web page based on the geographic location (col. 25, lines 37-42; targeted promotions are referenced by user's profile to determine user's geographic location).

Claims 20 and 26 are rejected for similar reasons as claims 11-13 addressed above. As stated above, Philyaw teaches determining the web page comprises the step of determining the web page based on the user profile. Philyaw does not specifically disclose receiving a voice command and determining a user profile associated with the voice command. However, it would have been obvious to one of ordinary skill in the art to be motivated to modify Philyaw's teachings to include voice recognition as part of user's demographic data in conjunction with of user's profile when determining web sites that the user may be interested in.

Claims 23, 24, and 33 are rejected for similar reasons as claims 2-3 above.

Claims 25-26 and 34-35 are rejected for similar reasons as claims 7-8 above.

Claims 37-39 are rejected for similar reasons as claims 11-13 above.

Claim 40 is rejected for similar reasons as claims 14-16 above.

Claims 22, 27-28, and 41-42 are rejected for similar reasons as claims 17-19 above.

Claims 29 and 43 are rejected for similar reasons as claims 20 and 26 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Atsmon et al, US Pub 2004/0031856; Yasuki et al, 6,285,407; Johnson, US Pub 2002/0010941 ; Rosin et al, 6,295,057 ; Hoffberg et al, 6,772,124 ; Turner et al, US Pub 2003/0191650; Matthews, 4,682,370; Mankovitz, 5,949,492

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (571) 272-3945. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpn

Dung C. Dinh
Primary Examiner